

DAVIS POLK & WARDWELL LLP
450 Lexington Avenue
New York, New York 10017
Telephone: (212) 450-4000
Facsimile: (212) 701-5800
Marshall S. Huebner
Benjamin S. Kaminetzky
James I. McClammy
Marc J. Tobak
Gerard X. McCarthy

*Proposed Counsel to the Debtors
and Debtors in Possession*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

**PURDUE PHARMA L.P., et al.,
Debtors.¹**

PURDUE PHARMA L.P., et al.,

Plaintiffs,

v.

**COMMONWEALTH OF MASSACHUSETTS, et al.,
Defendants.**

Chapter 11

**Case No. 19-23649 (RDD)
(Jointly Administered)**

Adv. Pro. No. 19-08289 (RDD)

**DECLARATION OF BENJAMIN S. KAMINETZKY
IN SUPPORT OF DEBTORS' MOTION FOR A PRELIMINARY INJUNCTION**

¹ The Debtors in these cases, along with the last four digits of each Debtor's registration number in the applicable jurisdiction, are as follows: Purdue Pharma L.P. (7484), Purdue Pharma Inc. (7486), Purdue Transdermal Technologies L.P. (1868), Purdue Pharma Manufacturing L.P. (3821), Purdue Pharmaceuticals L.P. (0034), Imbrium Therapeutics L.P. (8810), Adlon Therapeutics L.P. (6745), Greenfield BioVentures L.P. (6150), Seven Seas Hill Corp. (4591), Ophir Green Corp. (4594), Purdue Pharma of Puerto Rico (3925), Avrio Health L.P. (4140), Purdue Pharmaceutical Products L.P. (3902), Purdue Neuroscience Company (4712), Nayatt Cove Lifescience Inc. (7805), Button Land L.P. (7502), Rhodes Associates L.P. (N/A), Paul Land Inc. (7425), Quidnick Land L.P. (7584), Rhodes Pharmaceuticals L.P. (6166), Rhodes Technologies (7143), UDF LP (0495), SVC Pharma LP (5717) and SVC Pharma Inc. (4014). The Debtors' corporate headquarters is located at One Stamford Forum, 201 Tresser Boulevard, Stamford, CT 06901.

I, Benjamin S. Kaminetzky, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a partner at the law firm Davis Polk & Wardwell LLP, 450 Lexington Avenue, New York, New York 10017, proposed counsel for the Debtors² in the above-captioned action. I respectfully submit this Declaration in Support of the Debtors' Motion for a Preliminary Injunction Pursuant to 11 U.S.C. § 105(a).

2. Upon information and belief, the Debtors were, as of September 14, scheduled to take or defend 60 depositions, file as many as 22 dispositive motions, and participate in five hearings on dispositive motions in five different courts across the country through October 31.

3. Attached hereto as Exhibit A is an excerpt of a true and correct copy of the transcript of the hearing, dated August 6, 2019, in *In re: Nat'l Prescription Opiate Litig.*, No. 17-MD-2804 (N.D. Ohio).

4. Attached hereto as Exhibit B is a true and correct copy of the First Amended Complaint filed in *Commonwealth of Massachusetts v. Purdue Pharma L.P. et al.*, No. 1884-CV-01808 (Mass. Sup. Ct. Suffolk Cty. Jan. 31, 2019).

5. Attached hereto as Exhibit C is a true and correct copy of the Order Granting Motion to Dismiss issued in *State of North Dakota, ex rel., Wayne Stenehjem v. Purdue Pharma L.P.*, No. 08-2018-cv-01300 (N.D. Dist. Ct. May 10, 2019).

6. Attached hereto as Exhibit D is a true and correct copy of the transcript of the hearing, dated August 16, 2017, in *In re TK Holdings, Inc., et al.*, No. 17-11375 (BLS) (Bankr. D. Del.).

² Capitalized terms used in this Declaration and not otherwise defined shall have the meanings ascribed to them in the Debtors' Memorandum of Law in Support of the Motion for a Preliminary Injunction Pursuant to 11 U.S.C. § 105(a).

7. Attached hereto as Exhibit E is an excerpt of a true and correct copy of the transcript of the hearing, dated July 2, 2019, in *In re Insys Therapeutics, Inc.*, No. 19-11292 (KG) (Bankr. D. Del.).

I declare under penalty of perjury that the foregoing is true and correct.

Executed: September 18, 2019
New York, New York

/s/ Benjamin S. Kaminetzky
Benjamin S. Kaminetzky

DAVIS POLK & WARDWELL LLP
450 Lexington Avenue
New York, New York 10017
Telephone: (212) 450-4000
Facsimile: (212) 701-5800
Marshall S. Huebner
Benjamin S. Kaminetzky
James I. McClammy
Marc J. Tobak
Gerard X. McCarthy

*Proposed Counsel to the Debtors
and Debtors in Possession*